

§ 219.62 When evidence of “good cause” is required.

The principle of “good cause”, as defined in part 217 of this chapter, is applied by the Board in determining whether to allow an application which is submitted more than two years after the employee’s death as acceptable for the lump-sum death payment or for an annuity unpaid at death, or to accept the proof of support required for entitlement to a parent’s annuity if such proof is filed more than two years after the employee’s death.

§ 219.63 What evidence is required to establish “good cause”.

The Board will ask for the following evidence of “good cause”:

- (a) The claimant’s signed statement explaining why he or she did not file the application for lump-sum death payment or annuity unpaid at death or the parent’s proof of support within the specified two-year period.
- (b) If the statement in paragraph (a) of this section or other evidence raises a reasonable doubt as to whether there was good cause, other convincing evidence to establish “good cause”.

§ 219.64 When evidence may be required for other reasons.

- (a) The Board will require evidence of the appointment of a legal representative when—
 - (1) The employee’s estate is entitled to a lump-sum death payment, annuity unpaid at death, or residual lump sum, and an executor or administrator has been appointed for the estate; or
 - (2) A minor child or incompetent is entitled to an annuity or lump-sum payment and a guardian, trustee, committee, or conservator has been appointed to act in his or her behalf.
- (b) The Board will require evidence of an annuitant’s earnings when the information that he or she furnished the Board does not agree with the earnings data furnished by the Social Security Administration or secured from other sources, and the annuitant maintains that the earnings data from the Social Security Administration or from other sources is not correct.
- (c) The Board will require evidence to establish the amounts paid as a public service pension, public disability ben-

efit, or worker’s compensation to an employee, spouse, widow, or widower when the pension, public disability benefit, or worker’s compensation affects the amount of his or her annuity.

- (d) The Board will require evidence to reconcile discrepancies between the information furnished by the claimant and information already in the records of the Board, the Social Security Administration, or other public agencies. Such discrepancies may be differences in name, date or place of birth, periods of employment, or other identifying data.

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§ 219.65 Other types of evidence that may be required.

- (a) The Board may ask for a statement from an employer listing the annuitant’s earnings by months and explaining any payments made to the annuitant when he or she was not working.
- (b) The Board may ask for copies of award notices from a public agency showing the amounts of periodic payments and the period covered by each payment.
- (c) The Board may ask for a statement from the applicant explaining discrepancies and may ask for sworn statements from persons who have personal knowledge of the facts or for any other convincing evidence.
- (d) The Board may ask for proof of the court appointment of a legal representative, such as:
 - (1) Certified copy of letters of appointment;
 - (2) “Short” certificate;
 - (3) Certified copy of order of appointment; or
 - (4) Any official document issued by the clerk or other proper official of the appointing court.

PART 220—DETERMINING DISABILITY

Subpart A—General

Sec.

220.1 Introduction of part.

220.2 The basis for the Board’s disability decision.